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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,885	06/08/2007	Mamoru Mitsuishi	062670	6768
38834 7590 09/03/2009 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
DAULT, RICHARD DOUGLAS				
ART UNIT		PAPER NUMBER		
3734				
NOTIFICATION DATE		DELIVERY MODE		
09/03/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary

Application No.

10/582,885

Applicant(s)

MITSUISHI ET AL.

Examiner

RICHARD DAULT

Art Unit

3734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/14/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 11/03/2006/06/14/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to under 37 CFR 1.75(c) as being in improper form because it contains improper multiple dependent claim language. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Jinno (6889116).
4. As to claim 1, Jinno discloses a manipulator (1 of figure 1) with multiple degrees of freedom (column 6, lines 11-12) for surgery with a driving means (column 3, lines 28-29), the manipulator including at least three degrees of freedom including relative opening/closing of a pair of gripping members (14a and 14b of figure 11b), rotation of both the gripping members around a first axis (31) and rotation of both the gripping members around a second axis (11) substantially perpendicular to the first axis (abstract, lines 12-15), wherein a drive power is converted to each motion of the opening/closing of the gripping members, rotation thereof around the first axis and rotation thereof around the second axis by a link mechanism (11w, 11p, 50 and extension of 50 along axis 31).

5. As to claim 2, Jinno discloses a first axis that connects both the gripping members rotatably, a second axis existing on an imaginary plane substantially perpendicular to the first axis, a first link mechanism (13 w, 13p, 52a, 52b, 53 and 14b) for converting a drive power to a rotary motion of one gripping member around the first axis, a second link mechanism (12w, 12p, 51a, 51b, 54 and 14a) for converting a drive power to a rotary motion of the other gripping member around the first axis and a third link mechanism (11w, 11 p, 50 and extension of 50 along axis 31) for converting a drive power of the driving means to a rotary motion of both the gripping members around the second axis.
6. As to claim 3, Jinno discloses a first supporting body (30) for supporting the gripping members with the first axis and a second supporting body (101 of figure 1) for supporting the first supporting body with the second axis.
7. As to claim 4, Jinno discloses that each of the first and second link mechanisms comprises a first link (13p and 12p, respectively), supported slidably by the first supporting body, in that the entire device may be slid along a path or trajectory, a second link (52b and 51b, respectively) also supported slidably by the second supporting body, and a third link (52a and 51a, respectively) for connecting between the first link and the second link.
8. As to claim 5, Jinno discloses an axial line of the second axis (11 of 11b) and third links (51a and 51b) that are perpendicular to each other when the first link, the second link and the third link are arranged in line, the arrangement of the links being possible along the lines set forth by either axis 11 or 31 (figure 11a).

9. As to claim 6, Jinno discloses a rotation range of the gripping member that is predetermined (figure 11a). Jinno also discloses an arrangement wherein the first link, the second link and the third link may slide in a state in which they are arranged in line, during which the axial line of the second axis and the third link are always perpendicular to each other in the rotation range (51a, 52a and 11 of figure 11b).

10. As to claim 7, Jinno discloses a third link mechanism comprising a fourth link (link connecting to 50, axially aligned with axis 31) supported slidably by the second supporting body; a fifth link (11p) that is fixed to the first supporting body and rotatable around the second axis; and a sixth link (50) for connecting between the fourth link and the fifth link.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD DAULT whose telephone number is (571)270-1482. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on 571-272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. D./
Examiner, Art Unit 3734

/(Jackie) Tan-Uyen T. Ho/
Supervisory Patent Examiner, Art Unit 3773